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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LIN, WEN TAI	
ART UNIT	PAPER NUMBER
2154	6

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary	Application No.	Applicant(s)	
	09/547,699	SCHEER, LYLE	
	Examiner	Art Unit	
	Wen-Tai Lin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☒ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Claims 1-10 are presented for examination. Claims 1-10 have been amended.

2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 112

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. As to claim 1 lines 9-10, it is unclear what is the scope of "an interface of a server". Although the specification at page 10, lines 9-10 discloses that "each of the servers in the system has two interfaces, a primary interface and the secondary interface", the primary interface and the secondary interface are nevertheless being used for telling a server whether to configure itself as a local master server (see page 10, lines 10-14) or a slave server (see page 11, lines 11-13), respectively. Nothing has been revealed in the specification regarding how a server would make use of these interfaces to configure itself as a global master server. During a recent telephone

interview applicant's representative identified a passage at page 11, lines 8-10 of the specification, wherein the passage describes how a local master server may take the role of the global master server if there is no global master server during the bootup process. However, this passage appears to be conflicting with the fact that it relies on the existence of a global master server before a server can configure itself to operate as a local master server (see page 10, lines 1-2 and 10-14). Furthermore, even if this passage is meant for a fail-over process when a previously existed global master server fails, the qualification of a local master server to becoming a global master server is in question because: (1) the global master server has access to a local database (see 106, Fig.1); (2) the global master server and local master servers are situated at different locations (see page 8, lines 7-10); (3) only the global master holds the public encryption key (see page 10, lines 15-18); and (4) if a local master server is situated to have hardware and software (including the interfaces) conditions identical to that of the global master server, then the server wouldn't know what role (i.e., being a global master or a local master) it should take.

For purpose of the prior art rejection in this office action, the "interface" as amended is being construed as any means interfacing to the server.

Clarification/correction in response to this office action is required.

Claim Rejections - 35 USC § 103

5. Claims 1-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al.(hereafter "Rogers")[U.S. Pub. 20010007086] in view of Paxhia et al.(hereafter "Paxhia")[U.S. Pub. 20020052935] and Walls et al.(hereafter "Walls")[U.S. Pat. No. 6348933].

6. As to claim 1, Rogers teaches the invention substantially as claimed including: a server network comprising:

- a global master server [150, 160 or 180, Fig.6];
- a local master server [170, Fig.6] coupled to the global master server via a first network and synchronized thereto; and
- one or more slave servers [e.g., 192-198, Fig.6; paragraph 54; i.e., since each individual equipment carries a unique TCP/IP address able to communicate information to a remote server, there must be a server embedded in each individual equipment] coupled to the local master server via a second network [i.e., the HTTP network] to perform manufacturing tasks to facilitate building products, the global master, local master and slave servers being programmed to perform different tasks [paragraphs 53-55].

Rogers does not specifically teach that the global master, local master and slave servers are programmed the same and the master or slave servers are automatically configured based on the interface of the server to which they are coupled.

However, Paxhia teaches that a plurality of WWW servers can be provided as instances of a same server program, wherein each server instance is associated with a

configuration file [Abstract; Fig.3; paragraph 43-46]. Furthermore, Walls teaches that the functionality necessary for implementing a master server and slave servers may be derived from a single software copy, wherein each of the installed copies can be configured as a master or a slave server as appropriate [col.5, lines 7-18].

Based on the teachings of Paxhia and Walls, it is obvious that variations among different servers may be reflected in different configuration parameters or files that are interfaced/conveyed to the servers when the latter are being built, thereby allowing the servers to be derived from the same software while allowing the servers to operate in different modes.

Thus, it would have been obvious to one of ordinary skill in the art to have used a software template to program Rogers's global master, local master and slave servers, while resolving the differences by setting the configuration parameters differently, because Rogers's servers, though functioning at different hierarchy, are directed to the same application. For example, by deriving the master and slave servers from the same software, it would further facilitate automating the installation process because the configuration file associated with each of the servers can be pre-configured to reflect the differences.

7. As to claim 2, Rogers in view of Paxhia and Walls further teach that one of the servers is operable to program another server [Paxhia: Abstract; i.e., one of the server instance can be configured as administrative server, thereby allowing it to create another server].

8. As to claims 3-5, Rogers in view of Paxhia and Walls do not specifically teach that the communication over the first network should be secured or encrypted.

However, official notice is taken that securing transactions over network is well known in the art. Since Rogers's global server [e.g., 180, Fig.6] is a service station owner/parent company server [Rogers: paragraph 55], which communicates with the master server over the first network [e.g., the Internet] for business information such as billing, inventory, etc. [paragraphs 53 and 55].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have secured (e.g., using SSL to automatically invoke strong encryption methods) the communication over the first network, because Rogers's system uses the first network to transfer business information, which has to be protected from being intercepted by any third party.

9. As to claim 7, Rogers further teaches that the first network comprises the Internet [e.g., paragraphs 47 and 55].

10. As to claim 10, Rogers teaches that the second network comprises a local area network [paragraph 47].

11. As to claim 6, since the features of this claim can also be found in claims 1, it is rejected for the same reasons set forth in the rejection of claims 1 above. Specifically, it

is obvious that the global and local masters could use either synchronous or asynchronous mode for communication when the connection exists between them, while only the asynchronous mode can be used when the interconnection is unavailable. As for the additional limitation requiring a plurality of local master servers: it is obvious that Rogers automotive services may have been distributed at different locations and therefore it is clear that each separate location would require a local master server.

12. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers [U.S. Pub. 20010007086], Paxhia [U.S. Pub. 20020052935] and Walls et al.(hereafter "Walls")[U.S. Pat. No. 6348933], as applied to claims 1-7 and 10 above, further in view of Saitoh et al.(hereafter "Saitoh")[U.S. Pat. No. 6038486].

13. As to claims 8-9, Rogers does not specifically teach the first network comprises a virtual or physical private network.

However, Steen teaches that virtual private network can securely stitch together a physical private network and a public network (such as the Internet) to safeguard remote access from the public network.

Since Rogers's local master may be situated in a company private network (such as LAN) and allow for remote access via the Internet [see the connection between 170 and 180 of Fig.6], it is clear that, in view of Steen's teaching, Rogers's first network may be further secured by either imposing a virtual private network over the Internet for

remote access, because there is a need for securing the business information (such as billing information) transferring over the first network and the concept of virtual private network is well known for providing such security.

14. Applicant's arguments with respect to claims 1-10 on 8/8/2003 have been considered they are not deemed to be persuasive.

15. Applicant argues in the remarks that:

1. The combination of Rogers, Paxhia, and Walls do not teach the feature of "automatically configurable as a master or slave server based on an interface of the server to which they are coupled." Specifically, Paxhia teaches configuring a server by interfacing to an administrator via a browsing page instead of automatic configuration.

2. Applicant challenges the examiner's official notice claiming that securing transactions over network is well known in the art. Specifically, Applicant argues that securing a server network is not well known in the art. Moreover, transferring billing information does not provide sufficient motivation to make Roger's system secure because billing information may be transferred in, e.g., non-secured postal services.

16. Examiner respectfully disagrees with applicant's remarks:

1. As to point 1, due to the lack of precise definition, the term "interface" as appears in claim 1 has been broadly interpreted as "any means interfacing to the server," which naturally include feeding configuration parameters via configuration file and selection of a server via a browsing page [see also paragraph #4 of this office action). As for the feature of automatic configuration, it is noted that Roger, Paxhia and Wall's server is able to "automatically" configure itself to operate as a master or slave server in accordance with the configuration parameters obtained from the interface.

2. As to point 2, Applicant is directed to a passage cited from Paxhia (the same reference cited for the claim 1 rejection) at paragraphs 7-9, wherein Paxhia teaches that security must be provided for the administration server (i.e., the global server) which manages multiple copies of instances of servers, because the server supplies specialized applications that provide for configuration and other system components deemed to be private business information. Note also that because of the lack of precise definition in the term "server network", Paxhia's Internet is considered as a server network due to the fact that at least two of Paxhia's servers communicate through the Internet. As for the argument regarding whether billing provides a motivation to secure the network: it is noted that billing was not the only element cited for motivation (see paragraph #7 of the previous office action). When a company's business information (including inventory, accounting, credit card related billing, etc.) is exposed to a non-secured public network, such as Internet, it is obvious to one of ordinary skill that

secure measures such as encryption can be used to protect the company's proprietary information.

17. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)305-9678. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)746-7239 for official communications;

(703)746-7238 for after final communications; and

(703)746-5516 for status inquires draft communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

September 11, 2003

Wen-Tai Lin
9/11/03